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09/438,602	11/12/1999	JEFFREY M. ENRIGHT	D-1114	9588

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EXAMINER
WALSH, DANIEL I

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/438,602	ENRIGHT, JEFFREY M.	
	Examiner	Art Unit	
	Daniel I Walsh	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4-17-03 (amendment)* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1,3-12,15-17,20-26 and 28* is/are rejected.

7)☒ Claim(s) *2,13,14,18,19 and 27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Receipt is acknowledged of the Amendment received on 17 April 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Atalla (US 4,577,77). Atalla teaches a currency bill dispensing mechanism including a roll o engaged bills, wherein the currency bill dispensing mechanism is selectively operative to dispense bills from the roll through FIG. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-9, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al. (US 5,842,188) in view of Atalla (US 4,577,779).

Re claim 1, Ramsey et al. teaches an apparatus comprising a self-service merchandise dispending machine selectively operative to dispense merchandise (fuel) through its unattended

automated system for selling and dispensing with change dispensing capability. Ramsey et al. teaches a user interface associated with the dispensing machine wherein the interface includes an article reading device, wherein the article reading device is operative to read a machine readable article associated with a user, wherein the machine readable article corresponds to a source of monetary value, and wherein the interface includes an input device operative to receive at least one input from a user through console 25, card reader 51, and keypad 53 (FIG. 2). Ramsey et al. teaches a cash value dispensing mechanism associated with the dispensing machine through cash/coin dispenser 47/49. It is obvious that a controller is operatively connected to the dispensing machine, the user interface and the cash value dispensing mechanism as is well known and conventional in the art, and is taught through server 27/server 108, which acts as a controller and is operatively connected to the dispensing machine, the user interface and the cash value dispensing mechanism (FIG. 4). Though FIG. 4 teaches server/controller 27, customer interface controller 39, pump controller, and cash controller 41, and therefore teaches multiple controllers, it is understood that they are operatively in communication with a server 27 which is a control center for all the consoles and fueling islands for operation of the system (col 5, lines 55+), and which is operatively connected to the merchandise dispensing machine and user interface (col 5, lines 64+) and currency dispenser (FIG. 4). Though multiple controllers are shown, it is well known and obvious that a central sever 27 is operatively connected as discussed above. Further, it would have been well within the skill in the art to consolidate the controllers into one controller, for reduction of parts/size/efficiency means, which is within the skill in the art. The controller is operative to cause a merchandise dispense from the dispensing machine having an associated charge as taught above (fuel has an associated charge). Ramsey et al.

teaches a cash advance on the credit or ATM card being output to the user (abstract). It is understood that the cash advance is controlled by the controller of the system, as is obvious in the art, especially in light of the fact that the controller/server connects to clear a credit sale transaction (col 6, lines 1+). It is obvious that such a dispense of cash would be the result of a customer input, as is conventional in the art. Further, as is well known and conventional in the art, the controller is operatively responsive to reading the machine readable article (card) as discussed above (communicating with controller 39 to clear a card transaction), to cause generation of a charge record that includes data representative of the source of monetary value (card type, for example), the charge (cost), and the amount (of cash dispensed, for example), since receipt printer 55 prints a printed record of the transaction, and further, it is well known and conventional in the art, that receipts of transactions which include a cash advance, include the type of card (source of value), the charge for the transaction (cost), and the amount of the cash advance, as is well known and conventional in the art (i.e. grocery store receipts for example). Further, it is well known that an electronic copy of the transaction is recorded, as is conventional in the art. Therefore, it would have been obvious to employ such well-known record/receipt means as an obvious expedient to provide a record/copy/proof of a transaction, in cases where the payment is done via cash or a credit/debit/atm card.

Re claim 3, it is taught that a note can be dispensed through FIG.4 .

Re claim 4, Ramsey et al. teaches the user interface includes an output device and that the controller causes the output device to prompt messages to the user concerning operation of the input device (col 6, lines 27+), and it is also well know and conventional that a controller prompts messages of the input device to a user, as is well known in the art.

Re claim 5, Ramsey et al. teaches a cash value accepting device associated with the merchandise dispensing machine to accept at least one cash value from a user, wherein the cash value accepting device is operatively connected to the controller and wherein the controller is operative to apply the charge associate with the dispensed merchandise to the cash value item through cash acceptor 43 (FIG. 4), where it is obvious the controller applies the charges associated with the cash to the dispensed merchandise charge.

Re claim 6, as discussed above re claim 5, a note acceptor accepts a note.

Re claim 7, Ramsey et al. fails to teach the use of a stored value card/card reader.

Stored value card/card readers are well known and conventional in vending machines, and other apparatus. Specifically, Kolls teaches a stored value card to be used in a vending machine.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Ramsey et al. with those of Kolls.

One would have been motivated to do this in order to provide an alternative way of payment for goods at an unattended vending machine, that does not require connection to a local database for verification of funds/accounts, thereby providing an alternative means for a user to pay for goods that does not require a local database connection for vending machine verification, and that also allows a user to not overspend (stored value) that is well known and conventional.

Re claim 8, Ramsey et al. teaches the dispensing of motor fuel above, re claim 1.

Re claim 9, in one embodiment, Ramsey et al. teaches that a customer cash console or vending machine 25' can be incorporated in the fuel pump 102 (col 8, lines 25+). Accordingly the cash supply holding notes would necessarily be in the integrated merchandise (fuel)

dispensing machine, and removably mounted as is well within the skill of the art (see Atalla US 4,577,779, for example).

Re claim 23, it has been discussed above that the system can include reading a card, dispensing fuel with an associated charge, and dispensing cash from the system (ATM/Credit card cash advance). Though Ramsey et al. is silent to the charging the card the cash value dispensed and the charge of the merchandise, at the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to do so. It is well known and conventional that grocery stores for example, charge the source of monetary value the amount and charge while purchasing goods and requesting a cash advance from a card (debit card). Therefore, it would have been obvious to apply such teachings to a vending system, since both deal with the purchase of goods and the dispensing of cash. Though a self service dispensing machine and a self service checkout terminal may appear different, the use of a card to effect payment and the dispensing of cash, which are shared by both methods, provide motivation for such modification of the dispensing system. Therefore, one would have been motivated to modify the teachings of Ramsey et al. to provide more convenience to the user, by allowing them to both withdrawal money and pay for goods in a single transaction.

Re claim 24, it has been discussed above and as is well known in the art, that a credit card can be read and charged the amount and the charge, since credit cards have cash advance abilities in addition to normal credit purchasing power.

Re claim 25, it has been discussed above that fuel is dispensed.

Re claim 26, Ramsey et al. teaches dispensing one note (abstract/see above re claim 3)

4. Claims 10-12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al., in view of Atalla.

Re claim 10, the limitations have been discussed above re claim 1.

Ramsey et al. fails to teach that the cash value dispensing mechanism includes a roll of notes.

Atalla teaches a cash dispensing mechanism including a roll of notes through FIG. 1.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Ramsey et al. with those of Atalla.

One would have been motivated to do this in order to have an alternative means of securely and accurately transporting money to a user.

Re claim 11, Atalla teaches the use of a web 27, which is a movable web that holds the notes in supporting connection.

Re claim 12, roller 33 is a web-separating member that separates the note from the web so the note is dispensed without the web attached.

Re claims 15-17, Re FIG. 1, Atalla teaches a roll of notes, where the notes have generally parallel opposed edges of similar dimensions, and that the roll comprises a plurality of releasable connectors through adhesive regions 31, each connector operative to connect an area of the notes to the transport medium. Atalla also teaches a flexible member (transport medium 27) that spans the adjacent edges of the notes, and that the flexible member includes the releasable adhesive to engage the first and second notes with the flexible member/transport medium. Though Atalla does not teach that the connectors connect areas of one note to each other note, but instead teaches that the notes are connected via connectors to one long transport medium (and therefore

doesn't teach a plurality of flexible members) which transports the notes in adjacent/parallel relation to be dispensed, at the time the invention was made, it would have been an obvious matter of design variation to have separate flexible members, as opposed to one large flexible member/transport medium, since such means to connect notes does not solve a particular problem or address a limitation that is not taught by Atalla. Simply changing the flexible member from one long piece to several smaller pieces is well within the skill in the art, especially since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179.

5. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being obvious over Ramsey et al. as modified by Atalla, as applied to claim 10 above, in view of Zwahlen et al. (US 5,975,273).

Re claim 20, the teachings of Ramsey et al. as modified by Atalla have been discussed above. Ramsey et al./Atalla fail to teach including the genuine not in the roll.

It has been discussed above that the cash value-accepting device is in operative connection with the controller to accept a note. Ramsey et al. also teaches a banknote validator 130 that is used with the currency acceptor to validate the currency. Though a separate validator is taught, it is well within the skill of the art to have such functions integrated with the accepting device. Though Ramsey et al. teaches the storing of the notes after they are verified, and without intervention of the controller, at the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to have the controller operably responsive to the accepting device and validation process, as a matter of design variation, since having the controller determine if the note is to be stored does not provide a specific advantage or server a particular purpose that is not taught by Ramsey et al. where the storage is determined based upon

the authenticity result. As the controller operatively communicates with the note storage (FIG. 4), it is well within the skill of the art for the controller to determine note storage upon validation. Re claim 21, though Ramsey et al. fails to teach that the controller determines whether to discharge the accepted note if its not genuine, but instead teaches that is determined by validator 130, at the time the invention was made, it would have been an obvious matter of design variation to have the controller operatively responsive for determining to reject notes that are not genuine, since such modification does not solve a particular problem or serve a particular purpose that is not taught by Ramsey et al. Further, it is well within the skill of the art to have the controller operatively responsive to sensors to reject notes, since it has been taught above that the controller controls the operation of the system. Therefore, it would have been well within the skill in the art for the controller to communicate with the validator to reject notes that are not genuine. Re claim 22, it is obvious that the cash value is applied against the dispensed merchandise by the controller, since the case is accepted for payment of the dispensed items, as is well known and obvious in the art, and the controller applies charges as is conventional in the art (col 6, lines 53+).

Zwahlen et al. teaches teh storing of notes "rolled up" in intermediate storage 20, that are later dispensed (col 6, lines 50+).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Ramsey et al./Atalla with those of Zwahlen et al.

One would have been motivated to do this in order to store only validated items, as deemed by the controller, which controls the system.

Allowable Subject Matter

6. Claims 2, 13, 14, 18, 19, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach:

i) The machine readable article read by the article reading device includes a stored value memory, and wherein the article reading device is operative responsive to the cash value dispensed by the cash value dispensing mechanism to include data representative of the amount in the stored value memory.

ii) The cash value dispensing mechanism is operative to deliver a note to a user in attached relation with the web.

iii) The cash value dispensing mechanism is operative to deliver notes in attached relation with the connectors.

iv) Wherein, when removing the cash supply components from the merchandise dispensing machine cash value is not dispensed from the value dispensing mechanism and the source of monetary value is charged only the charge for the dispensed merchandise.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kolls (US 6,119,934).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (703) 305-1001. The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 US.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[daniel.walsh@uspto.gov]**.

> All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

KARL D. FRECH
PRIMARY EXAMINER

DIW
6/23/03